



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/782,896

02/13/2001

Dan Kikinis

007287.00045

3324

22907 7590 07/09/2008

BANNER & WITCOFF, LTD.

1100 13th STREET, N.W.

SUITE 1200

WASHINGTON, DC 20005-4051

EXAMINER

RAMAN, USHA

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

07/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/782,896	Applicant(s) KIKINIS, DAN	
	Examiner USHA RAMAN	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,10-14 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-14 and 16-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments, see page 6, filed June 6th 2008, stating that, "Wireframe models and texture maps are not limited to 3-D modeling and may equally apply to 2-D textures and images" have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Blanz.

Claim Rejections - 35 USC § 103

2. Claims 1-2, 4-8, 10-14, 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco (US PG PUB: 2005/0166224) in view of Blanz et al. (US Pat. 6,556,196)

With regard to claims 1, 7, 13 and 19, Ficco discloses a method for providing enhanced advertising of a 2-D broadcast comprising:

Receiving the 2-D video broadcast including a first advertisement having a 2-D image (broadcast of programs and advertisements, see [0021]);

Identifying the 2-D image within the first advertisement, wherein the 2-D image is identified based on its characteristics and exclusively at a viewer's equipment (e.g. advertisements are identified to determine how to enhance factors in advertisement according to user preferences, see [0008], [0051], [0058], [0059]);

Looking up a matching enhancement object (such as wire frame model, texture map) for adapting the 2D image, in an image library (advertisement library [0036], advertisements are indexed for retrieval according to desired factor (see [0036])), wherein the library comprises one or more enhancement objects;

Using a look up table to identify the matching enhancement object (i.e. advertisement components are stored according to an index value, and thus comprise a look up table to retrieve advertisement according to the index value, see [0036]).

Using the matching enhancement object to generate an enhanced first advertisement (e.g. by integrating wire frame into advertisement see [0058]).

While Ficco discloses the use of wireframe models, Ficco does not expressly state that the enhancement object comprise 3-D objects. In a similar field of endeavor, Blanz discloses a method of creating a 3D representation of a 2D image by matching a morphable object to the 2D image to create a 3D rendering of the image. See abstract, and column 3, lines 32-38. Accordingly by matching morphable object to the 2D image, Blanz teaches the step of producing the 3D representation of the image by pushing the morphable object to the 2d image, Wherein the 3D highlighted rendering comprises a portion of the original 2-D image.

It would have been obvious to one of ordinary skill in the art to modify the system of Ficco in view of Blanz by generating a 3D rendering of certain 2D objects thereby providing adapting certain features of the ad for enhancement by creating an realistic depiction of the 2D object.

With regard to claims 2, 8, 14, and 20 an advertisement comprises a plurality of components such as background, foreground, model appearing in an ad, selectable object, etc, wherein any of these components maybe altered for enhancement and/or replacement. Accordingly Ficco teaches the first

Art Unit: 2623

advertisement comprising one or more images. See [0056], [0058], [0059]. With regard to claims 4, 10, 16 and 22, the enhanced advertisement is displayed on a television. See [0086]. With regard to claims 5, 11, 17 the integration of the wire frame into the advertisement (see [0058]), effectively overlays the image with the matching 3-D object in order to create a 3-D rendering of the object.

With regard to claims 6, 12, and 18, the modified system further discloses the method of overlaying specular lighting and shading over the image (Blanz column 9, lines 10-15 and lines 40-44..

With regards to claim 21, the advertisement components are stored according to an index value and therefore comprise a look up table to retrieve the components according to the index value. See [0036].

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2623

UR